App. F. IX-4

1942

File No. 20 ~~6~~-42

Serial Nos. 2

Previous References

Legis 20-42-1

Later Reference

17

General and Revenue Secretariat

Serial Nos.

Part B for ~~[illegible]~~ January 1943

SUBJECT

The Collective Fines (Second Amendment) Ordinance

The Collective Fines (Third Amendment) Ordinance

Ordered that there is no immediate necessity to make these amendments

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This is dealt with in the
file Secrett

1) The file are: The
2) Collective Fines Ordinance
is in the Photo Branch.
Please get that up along
with the Gazettes of India
referred to in the P.U.D

JLNH
2/9

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

WD 05639—36,000—GPS—20

2) The file relating to "Collective Fines ordin
L" (Residency No: F. 70-42/W) 25.8.42
the Gazette Extraordinary (New ordinan
.8.42 promulgating the Special

Illegible Fines Ordinance

P 2483/1

riminal Courts (Second Amendment)
rdinance 1967 (No. XLII of 1967)
re submitted herewith as per instructions
of Govt. Pleader.

SMZ
3/9 4) Amendments to ... Ordinance ...

Illegible Fines (amending) Ordinance
ve been incorporated in the
raft.

Illegible
6/9

P2483 & Collective Fines (Second Amendment Ordinance, 1942

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

From the Secy to the Hon'ble the President
No. F. 70-42/IV dt 15.10.1942
Requesting that the provisions contained in the Collective Fines (Second Amendment) ordinance, 1942 may be incorporated in the Collective Fines Act, 1942

Linked file.

5) The Main file regarding regarding the Act to provide for Imposition of Collective Fines is on Whether provisions contained in the Second Amendment have to be incorporated in the Collective Fines Act - for orders.

Original Govt. of India ordinance. Kept in the Legislative Dept. (Legis. I)-42-1).

6) The provisions of the First Amendment Act have already been incorporated in our Act. Amendments have been carried out in section 3 of the British Indian Act which corresponds to section 2 of our Act. These amendments —

SM 20/10 MJ

a) empowers Govt to delegate the powers of imposing collective fines to any officers; and

b) to impose and collect the fine from Hindu joint families

Draft amendment Act as submitted for orders.

MEW 21/10

Law Secy)

7) ~~May the approved. Govt~~ is necessary to make the

The Collective Fines (Second Amendment Ordinance, 1942.)

File N

of 194

General and Revenue Secretariat

Serial No.

Amendments. Mining up Law

Minister for Law

Advocate

WS

21-10-42

JHW 24/10

Resubmitted as per instruction

SPR 23/10.

Resubmitted

JHW

11

8) Do these pcal necessary for making the amendments? Law Minister suggested on 21-10-42 that the question may be considered when these bills are

11-11-42

JHW 11/11

Sheets may be kept in Sun until the necessary orders are for orders.

SPR 17/11

JHW 18/11

Gazette of India Extraordinary dated the 5th December 1942 publishing the Collective Fines Third Amendment Ordinance 1942 (Ordinance No XXIII of 1942).

Letter No. F. 7-70-42/17 dt 17th December 1942 from the Secy to the Hon'ble the Resident

The Collective Fines (Third Amendment Ordinance - 1942)

Continuation Sheet. P 4189 P 4293 File No. Current No. of Page.

Regarding that the Provisions Contained in the Collective Fines (Third Amendment) Ordinance, 1942 may be incorporated in the Collective Fines (Emergency) Act, 1942.

Kind Reference is invited to para 8 of the Note regarding the incorporation of provisions Contained in the Collective Fines Second Amendment Ordinance 1942.

The Residency in their letter dated the 17th Dec. 1942 request that the Provisions Contained in the Collective Fines (Third Amendment) Ordinance, 1942 may be incorporated.

Subd for orders

SFR 22/12: Sub-Section (H) of section 2 of our Act which corresponds to sub-section (H) of section 3 of the British Indian Act provides that the fine may be recovered from any person as a fine or as arrears of land revenue.

The amendments now made in British India contain specific provisions in regard to the manner of recovering the fine.

The Residency request that the amendments may be incorporated in our Act.

MRV 22/12

Land Secy

Please put up a detailed note regarding the necessity & effect of the proposed amendments.

22/12

WD 1140—GPB—50,000—5-11-42

MRV 22/12

Two ordinances have been passed in British India amending the Collective Fines Ordinance.

(Ordinance XLIV of 1942

a) empowers any officers authorised by the Provincial Govt to impose collective fines, and

b) authorises the Dist Magte in any apportionment of the fine to assign a portion of it to a Hindu undivided family to be payable by it.

The second Ordinance No. XLIII of 1942 makes detailed provision for the recovery of the fine. The principal Ordinance simply provides that the fine may be recovered from any person as a fine or as an arrear of land revenue. The amending ordinance prescribes that the fine may be recovered in the manner provided by the Code of Criminal Procedure for the recovery of fines imposed as the latter does as fine imposed by the Provincial Govt is further empowered to make rules regulating the manner in which warrants issued under clause (a) of sub-section (1) of section 386 of the Cr. P.C. are to be executed and for the summary determination of claims made by any person other than the one liable to pay the fine in respect of any property attached in execution of the warr

373/M.
Amendment to
Collective fines Act

3963
5 3619

General and Revenue Secretariat. | File No. of 19 | [App. F. III-2

Serial No.

THE LAW
5860

Collective fines have been imposed in the State in Sorekaidoddi and Venkataraya doddi, Hankanhalli Talug, and Thyavanige and Singadahalli in Channagiri Talug. No difficulty seems to have been experienced by the D.C's either in apportioning the fine on account of the existence of joint families or in the recovery of the fines, since the D.C's of the two districts have not so far written to us on the matter. In the circumstances the adoption of the provisions of the two amending ordinances in Mysore does not seem to be necessary.

JNM
2/1/43

Law Secy)

There does not appear to be any immediate necessity to make these amendments.

CWS
2-1-43
JNM 4/1

5104

Dewan)

BR 4/1

NM
2/1/43.

CWS
2-1-43

The file may be sent to the Legis Section for information and return

JNM 4/1

BR 7/1/43 Asst Secy

BR 2.1.43

SECY. LAW DEPT. GOVT OF MYSORE

NOTE-Contn. Sheet.

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, AUGUST 19, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 19th August, 1942

ORDINANCE No. XLII OF 1942

AN

ORDINANCE

further to amend the Special Criminal Courts Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the Special Criminal Courts
II of 1942. Ordinance, 1942, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act,
26 Geo. 5, c. 2. 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (*1*) This Ordinance may be called the Special Criminal Courts (Second Amendment) Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

2. In sub-section (*3*) of section 1 of the Special Criminal Courts Ordinance, 1942 (hereinafter referred to as the said Ordinance), after the words "arising from" the words "any disorder within the Province or from" shall be inserted Amendment of section 1, Ord. II of 1942.

3. In clause (*b*) of section 24A of the said Ordinance, for the words "the Court" the words "where the prosecution opposes the application, the Court" shall be substituted. Amendment of section 24A, Ord. II of 1942.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

[*Price 1 anna.*]

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 19th August, 1942

ORDINANCE No. XLIII OF 1942.

AN

ORDINANCE

to amend the Collective Fines Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary to amend the Collective Fines Ordinance, 1942, for the purpose hereinafter appearing; XX of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased 26 Geo. 5, c. 2. to make and promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Collective Fines (Amendment) Ordinance, 1942.

(*2*) It shall come into force at once.

Amendment of preamble and section 3, Ord. XX of 1942.

2. In the preamble, and in sub-section (*1*) of section 3 of the Collective Fines Ordinance, 1942, for the word "or the efficient prosecution of war" the words "th public safety, the maintenance of public order, th efficient prosecution of war, or the maintenance o supplies or services necessary to the life of the com munity" shall be substituted.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

2483/P/42

No.F.70-42/W.

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to the
Government of Mysore,
Bangalore.

Dated Bangalore, the 15th Octr. 1942.

21/7 The Collective Fines (Second Amendment) Ordinance, 1942.

Sir,

In continuation of letter from this Residency No.F.70-42/W dated the 1st September 1942, I am directed to request that the provisions contained in the Collective Fines (Second Amendment) Ordinance, 1942, may kindly be incorporated in the Collective Fines (Emergency) Act, 1942.

Proof

CHIEF SECRETARY
16 OCT. 19
GOVT. OF MYSORE.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

Mr SAN VN

REGISTERED No. L 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, SEPTEMBER 12, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 12th September, 1942

ORDINANCE No. XLIX OF 1942.

AN

ORDINANCE

further to amend the Collective Fines Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the Collective Fines Ordinance, 1942, for the purposes hereinafter appearing; XX of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:— 26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the Collective Fines (Second Amendment) Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

[*Price 1 anna.*]

Amendment of section 3, Ord. XX of 1942.

2. In section 3 of the Collective Fines Ordinance, 1942,—

(*a*) after sub-section (*1*) the following sub-section shall be inserted, namely :—

"(*1A*) An officer empowered in this behalf by the Provincial Government by general or special order may exercise the power conferred by sub-section (*1*) on the Provincial Government :

Provided that an imposition of a collective fine by any such officer may be made by publication of the order imposing the fine either in the official Gazette or in any such other manner as such officer considers best calculated to bring the order to the notice of the inhabitants of the area concerned.

(*b*) In sub-section (*2*) after the words "the Provincial Government" the words "or any officer empowered in this behalf by the Provincial Government by general or special order" shall be inserted.

(*c*) After sub-section (*3*) the following sub-section shall be inserted, namely :—

"(*3A*) In any such apportionment the District Magistrate may assign a portion of such fine to a Hindu undivided family to be payable by it."

(*d*) In sub-section (*4*) after the word "person" the brackets and words "(including a Hindu undivided family)" shall be inserted and the words "from him" shall be omitted.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DEL

4293

No F 70-42/

From

The Secretary to the Hon'ble
the Resident in Mysore.

REVENUE SECRETARIAT
18 DEC 1942

The Chief Secretary to the
Government of Mysore,
Bangalore.

17 DEC 19

GOVT OF MYSORE

Dated Bangalore, the 17 Decr. 1942.

The Collective Fines (Third Amendment) Ordinance 1942

Sir,

In continuation of letter from this Residency No.F.70-42/W, dated the 15th October 1942, I am directed to request that the provisions contained in the Collective Fines (Third Amendment) Ordinance 1942, may kindly be incorporated in the Collective Fines (Emergency) Act, 1942.

112
4483

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDEN

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, DECEMBER 5, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 5th December 1942.

ORDINANCE No. LXIII OF 1942.

AN

ORDINANCE

further to amend the Collective Fines Ordinance, 1942

WHEREAS an emergency has arisen which makes it necessary further to amend the Collective Fines Ordinance, 1942, for the purpose hereinafter appearing ;

XX of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Collective Fines (Third Amendment) Ordinance, 1942.

(*2*) It shall come into force at once.

Amendment of section 3, Ord. XX of 1942.

2. For sub-section (*4*) of section 3 of the Collective Fines Ordinance, 1942, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

XX of 1942.

" (*4*) The portion of such fine payable by any person (including a Hindu undivided family) may be recovered—

(*a*) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court :

V of 1898.

Provided that the Provincial Government may, in lieu of the rules referred to in sub-section (*2*) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Ordinance regulating the manner in which warrants under clause (*a*) of sub-section (*1*) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant ; or

V of 1898.

(*b*) as arrears of land revenue.'

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India

WAR DEPARTMENT

NOTIFICATION

New Delhi, the 5th December 1942

No. 1813.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon the Central Government by clause (b) of sub-rule (1) and sub-rule (5) of rule 26 of the Defence of India Rules, shall be exercisable also by the officer-in-charge of the Interrogation Centre at Lalaghat.

C. M. TRIVEDI,
Secy. to the Govt. of India.

DEPARTMENT OF SUPPLY

NOTIFICATION

New Delhi, the 4th December 1942

No. 1161.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following order, namely:—

THE FACTORIES CONTROL OF PRODUCTION ORDER, 1942

1. *Short Title, Extent and Commencement.*—(1) This Order may be called the Factories Control of Production Order, 1942.

(2) It extends to the whole of British India.

2. *Definitions.*—In this Order, unless there is anything repugnant in the subject or context—

(a) "Controller" means the Director General of Munitions Production, and includes any person authorised by him to exercise all or any of the powers of the Controller under this Order;

(b) "factory" means a factory as defined in section 2 of the Factories Act, 1934 (XXV of 1934);

(c) "Scheduled work" means any work or manufacturing process specified in the Schedule to this Order.

3. The provisions of this Order shall apply to factories other than those belonging to the Crown, which are engaged in the production or fabrication of metal or in any engineering work.

4. The Controller may enter upon and inspect any factory in which he has reason to believe that a Scheduled work is, or could be, carried on.

5. The Controller may, if he is satisfied that such action is necessary in order to maintain supplies and services essential to the life of the community or the efficient prosecution of the war—

(a) prohibit, with effect from such date as he may specify, any factory from carrying out any Scheduled work otherwise than in accordance with a general or special order issued by him;

(b) require any factory to undertake from such date as he may specify any scheduled work.

6. The occupier of every factory in which any scheduled work is being carried on, shall—

(a) submit to the Controller so as to reach him not later than the 10th January 1943 a true return in the form appended to this Order, of all matters specified therein;

(b) keep and maintain such books, accounts and other records relating to the undertaking, and supply such information as the Controller may from time to time require;

(c) produce to the Controller or to any person authorised by him in this behalf such books and other records relating to the undertaking as may be demanded by the Controller or other person aforesaid.

THE SCHEDULE.

[See clause 2(c)]

Iron Casting.
Steel Casting.
Non-ferrous Casting.
Heavy Forging
Light Forging.
Drop Stamping.
Planing Machine work.
Shaping Machine work.
Milling Machine work.
Grinding Machine work.
Slotting Machine work.
Centre Lathe work.
Turret Lathe work.
Capstan Lathe work.
Screwing.
Gear Cutting.
Arc Welding.
Oxy-acetylene Welding.
Pressing.
Structural work.
Ship-building or repairing.
Wagon-building or repairing.
Galvanising.

FORM

[See clause 6 (a)]

The Factories Control of Production Order, 1942.

Name and address of the factory

1. Value of all orders involving *manufacture* by the occupier at sale prices (actual or estimated), accepted by the occupier on 1st December 1942 including:—

(a) orders not yet translated into work orders on the Factory,

(b) orders not yet put in hand,

(c) orders in hand,

(d) orders completed but not billed, the total of which should be divided into percentages according to the table hereunder—

	Supply Dept. Orders.	Orders from other Depts. of the Govt. of India including Defence Services, from Provincial Govts. and from Allied Forces.	Maintenance or Expansion of Factory.	Orders indirectly for war. *See below.	Orders from Civil Market.
rcentages of Sale Price Vaiues.					

*In case of the percentage for orders indirectly for the war effort please give on the reverse of this form names of the firms whose orders you have included in this category and brief particulars of the orders.

2. State the total value of sales from the factory in each of the years 1939, 1940 and 1941.

N.B.—When the factory's financial year does not coincide with the calendar year, figures are to be given for the nearest financial years, the periods of which should be stated.

3. The total of labour employed in the Factory per 24 hours as follows:—

a) Toolroom

b) Fitters (other than Toolroom) .....

c) Machinists (other than Toolroom) .....

(d) Welders

(e) All other skilled and semi-skilled labour. .....

(a) Number of days worked in each week .....

(b) Number of shifts worked each day .....

(c) Hours worked in each shift .....

.....

Signature.....

To

The Director General,
Munitions Production,
6, Esplanade East,
Calcutta.

N.B.—This form filled up and properly signed must be submitted to the Controller (Director General, Munitions Production) on or before the tenth day of January 1943.

The submission of this form improperly or incorrectly filled up or failure to submit on or before the date specified will entail a liability to be prosecuted under the Defence of India Rules.

S. A. VENKATARAMAN,
Joint Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, OF GOVERNMENT OF INDIA PRESS, NEW DELHI.

~~Draft Notification.~~

Act No. of 1942.

An Act to amend the Collective Fines Ordinance./1942.

WHEREAS an emergency has arisen which makes it necessary to amend the Collective Fines Act, 1942, for the purposes hereinafter appearing;

XXXIX of 1942.

Now, THEREFORE, in exercise of the powers conferred by section 31 of the Government of Mysore Act, it is hereby enacted as follows:-

Short title and commencement.

1. (1) This Act may be called the Collective Fines First Amendment Act, 1942.

(2) It shall come into force at once.

Amendment of section 2 of Ord. XXXIX of 1942.

2. In section 2 of the Collective Fines Act, 1942,---

(a) after sub-section (1) the following sub-section shall be inserted, namely:-

"(iA) An officer empowered in this behalf by the Government by general or special order may exercise the power conferred by sub-section (1) on the Government:

Provided that an imposition of a collective fine by any such officer may be made by publication of the order imposing the fine either in the Official Gazette or in any such other manner as such officer considers best calculated to bring the order to the notice of the inhabitants of the area concerned."

(b) In sub-section (2) after the words "the Government" the words "or any officer empowered in this behalf by the Government by general or special order" shall be inserted.

(c) After sub-section (3) the following sub-section shall be inserted, namely:-

"(3A) In any such apportionment the District Magistrate may assign a portion of such fine to a Hindu undivided family to be payable by it."

(d) In sub-section (4) after the word "person" the brackets and words "(including a Hindu undivided family)" shall be inserted and the words "from him" shall be omitted.

DEWAN.